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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,301	09/30/2003	Jack A. McClure	25106	8163
28624	7590	03/28/2006		
WEYERHAEUSER COMPANY INTELLECTUAL PROPERTY DEPT., CH 1J27 P.O. BOX 9777 FEDERAL WAY, WA 98063			EXAMINER ELKINS, GARY E	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/676,301	MCCLURE, JACK A.	
	Examiner	Art Unit	
	Gary E. Elkins	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by McClure '377.

McClure '377 discloses a blank including a top panel flap 52, a first corner panel 66, a second corner panel 68 and a third corner panel 70. The third corner panel includes cutouts 84 and the portion cutout to form the tab 52, both of which extend to the free end of the third corner panel as claimed.

With respect to the newly presented limitations, it is noted that the cutouts or openings/areas 84 and 52 are each cut from the edges which form the respective cutout and that those edges include an edge which is substantially parallel to and an edge which is substantially perpendicular to the foldline 108 as claimed.

3. Claims 1, 2, 5-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McClure '020.

With respect to claims 1, 2 and 5, McClure '020 discloses a blank including a top panel flap 28, a first corner panel 70, a second corner panel 72 and a third corner panel 74. The third corner panel 74 includes cutouts 30, 78, each of which extends to a free end of the third corner panel as claimed.

With respect to claims 6, 7 and 9, McClure '020 discloses a container including a third corner panel 74 with a cutout 78 which, as shown in fig. 4, forms a top edge that is below a top edge of the end panel 22 in the region of the third corner panel cutout, i.e. below the top edge of the end panel 22 adjacent the cutout 66.

With respect to the newly presented limitations, it is noted that the cutouts or openings/areas 30, 78 are each cut from the edges which form the respective cutout and that those edges include an edge which is substantially parallel to and an edge which is substantially perpendicular to the foldline 92 as claimed.

4. Claims 1, 2, 5-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by either Muise or Osborne.

With respect to claims 1, 2 and 5, each of Muise and Osborne discloses a blank including a top panel flap (projection adjacent slot 60; 44, respectively), first corner panel (36, 28, respectively), second corner panel (44, 32, respectively) and a third corner panel (46, 34, respectively). The third corner panel in each of Muise and Osborne includes cutouts, i.e. the cutout formed by the top flap in Osborne, cutout 48 in Muise, cutout 38 in Osborne, the cutout or notch formed adjacent 40 in Osborne, cutout 58 in Muise and, with respect to the Muise, the cutout between the portion 54 and the end of the third corner panel 46. Each of the cutouts extends to a free end of the third corner panel as claimed.

With respect to claims 6, 7, 9 and 10, the third corner panel in each reference includes a cutout (adjacent 54 to the end of the third corner panel 46; adjacent 40 at the top edge of the third corner panel 34, respectively) that is below a top edge of the end panel 20, 24, respectively in the region or adjacent to the third corner panel cutout, i.e. the top edge adjacent 54 in Muise and the

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top edge adjacent 40 in Osborne is below the end panel at 26 in Muise and 42 in Osborne. The top edges at 26 and 42 are considered to be within "the region of the corner third panel cut-out" as claimed. With respect to claim 10, note is made that the third corner panels in Muise and Osborne do not abut and therefor extend less than half of the width of the end panel as claimed.

With respect to the newly presented limitations, it is noted that the cutouts or cutout openings/areas as defined above are each cut from the edges which form the respective cutout and that those edges include an edge which is substantially parallel to and an edge which is substantially perpendicular to the connection as claimed.

Response to Arguments

5. Applicant's arguments filed 21 February 2006 have been fully considered but they are not persuasive.

The remarks assert that none of McClure '377, McClure '020, Muise or Osborne evidences a cutout which is cut from edges of the corner third panel as claimed. In response, each of the references includes multiple cutouts cut from edges as claimed. It is noted that the term cutout is considered to be inclusive of an area or opening or notch in the material of the panel which is cut from the panel along the cut edges.

Conclusion

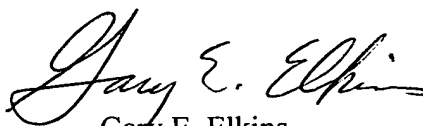
In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (571)273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday, Tuesday and Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.



Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
19 March 2006